

RTC 03-387 Attachment 7



Sunnyvale Community Christian Church, dba El Camino Christian Church, (the church) has entered into a lease agreement for a portion of the building located at 435 Indio Way, Sunnyvale, California, and owned and managed by Peery-Arrillaga of Santa Clara, California (the owner). The largest portion of that same building is currently leased by a software company.

In order for the church to be a good corporate citizen, good tenant, and good neighbor, and to demonstrate the same to all parties involved, the church would, by this letter, like to outline our use of parking spaces in the lot associated with 435 Indio Way.

The city requirement for parking based on the use (industrial) of the portion of the building not occupied by the church is 44 spaces. There are 175 parking spaces in the lot, and the church would be likely to use no more than 20 parking spaces at most times. During times of higher usage (generally Sunday mornings but occasionally on weeknight or weekend evenings, and very rarely on any week day) the church would use many more parking spaces, and on Sunday mornings could potentially fill the entire lot. Generally the times of higher usage for the church would be at times of low usage for the software company, so the likelihood of conflict is extremely low.

However the church understands that any other tenant in the building (the software company or future tenant) is entitled to the use of parking at all times, including times of peak use for the church, and the church therefore agrees to designate (with the cooperation of the current tenant and the owner) 44 spaces in the lot for the full time use of others occupying the building. The church agrees that it will leave those spaces vacant at all times, except by special arrangement as noted below.

The church also understands that on occasion more than 44 spaces may be required by another tenant, and that if so it is most likely to be during a non-peak time for the church, although it could be at any time. The church agrees that another tenant can use any additional spaces it requires without permission, either verbal or written, unless such use would be in conflict with a peak usage time for the church, in which case the church would still grant permission whenever possible. In order to ease that process, the church will inform other tenants of its times of peak usage.

On very rare occasions, for example Easter Sunday and Christmas Sunday, the church may wish to use some of the spaces allotted to another tenant. If so, it will seek permission from the tenant to do so before the event and an agreement will be reached on the number of spaces (if any) which could be made available to the church and the duration of the time they could be made available.

The church warrants that it will abide by this parking arrangement as long as it is a co-tenant at 435 Indio Way and Peery-Arrillaga is the owner, and a copy of this letter shall reside with each of the parties and the original with the city of Sunnyvale as an attachment to the Conditional Use Permit granted to the church by the city.

for the church

title

date

As the current tenant at 435 Indio Way, we hereby acknowledge receipt of this letter from Sunnyvale Community Christian Church and agree that the parking solution they propose is workable for us.

for the tenant

title

date